

SEP 16 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL P. HOLLINS,

Defendant - Appellant.

No. 07-10593

D.C. No. CR-92-00126-SBA

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Saundra B. Armstrong, District Judge, Presiding

Submitted September 8, 2008<sup>\*\*</sup>

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Michael P. Hollins appeals from the 37-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Hollins contends that the district court erred by sentencing him to a term greater than 24 months because his underlying conviction for felon in possession of a firearm is a Class C felony. This contention fails because, pursuant to 18 U.S.C. § 924(e), Hollins's underlying offense was punishable by life imprisonment, and is therefore a Class A felony. *See* 18 U.S.C. § 3559(a); *see also United States v. Bland*, 961 F.2d 123, 128 (9th Cir. 1992).

**AFFIRMED.**